

REMARKS

It is difficult to imagine how the previously filed amendment got so far off track and the Examiner's compassion in not holding the response as "unresponsive" is appreciated.

The amendments to the claims made herein are thought to correct the confused state of this application and to place the case in condition for a proper substantive examination and allowance.

To summarize—Group I is the elected invention, that is, claims drawn to a tube for implantation into an eye. It is now thought that independent claim 43 is a generic claim that is allowable. If it is not allowable the species earlier defined as "A" is elected for prosecution.

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Respectfully submitted,



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MARKED UP VERSION OF AMENDED CLAIMS

43. (amended) A [n implant] tube for implantation into the eye for replacement conduction of aqueous humor from the chambers of the eyeball to the subconjunctival tissue and ultimately the venous system, comprising:

an elongated fluid conducting conduit having distal and proximate ends, a sidewall and an interior passageway and at least one longitudinally extending opening in the sidewall that exposes the interior passageway; and  
at least one nidi-forming means carried by the conduit and extending laterally therefrom to implement the formation of at least one aqueous filtration bleb in the tissue of the eyeball.

44. (amended) The [implant] tube of claim 43 and further comprising at least one releasable ligature circumscribing the conduit.

45. (amended) The [implant] tube of claim 44 where a releasable ligature is disposed intermediate the longitudinal sidewall openings.

46. (amended) The [implant] tube of claim 43 wherein the at least one longitudinally extending opening in the sidewall is substantially diametrical.

47. (amended) The [implant] tube of claim 43 and further comprising anchoring means appended to the conduit to prevent the conduit from migrating from its placement site.

48. (amended) The [implant] tube of claim 46, wherein the anchor means comprises a plurality of conduit furcations.

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49. (amended) The [implant] tube of claim 48 where the furcations are disposed at the distal end of the conduit.

50. (amended) The [implant] tube of claim 43 where the laterally extending nidi-forming means comprise partially detached longitudinal strips of the conduit having a free end and a fixed end, the later being attached to the conduit.

51. (amended) The [implant] tube of claim 43 where the laterally extending nidi-forming means is detachable from the implant.

MARKED UP VERSION OF AMENDED ABSTRACT

A[n eyeball implant] tube for implantation into the eye for replacement conduction of aqueous humor from the chambers of the eyeball to the subconjunctival tissue and ultimately to the venous system is comprised of an elongated fluid conducting conduit having distal and proximate ends, a sidewall and an interior passageway and at least one longitudinally extending opening in the sidewall that exposes the interior passageway and at least one nidi-forming structure carried by the conduit and extending laterally therefrom to implement the formation of at least one aqueous filtration bleb in the tissue of the eyeball. In one embodiment, the [implant] tube also contains at least one releasable ligature circumscribing the conduit. In another embodiment, the [implant] tube also contains an anchor appended to the conduit to prevent it from migrating from its placement site.

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